

Message Text

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PAGE 01 SANTIA 03593 202216Z

71

ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 8544

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EO 11652: N/A

TAGS: PGOV, CI

SUBJECT: CHILEAN GOVERNMENT ORGANIZATION: VEEP FOR A DAY

REF: 74 SANTIAGO 7663

1. SUMMARY. DECREE LAW 1429 OF APRIL 19 CREATED THE TITLE OF VICE PRESIDENT OF THE REPUBLIC FOR ACTING CHIEF OF STATE IN ABSENCE FROM COUNTRY OR TEMPORARY INCAPACITY OF PRESIDENT. ADMIRAL MERINO WILL ASSUME TITLE UPON DEPARTURE OF PRESIDENT PINOCHET ON STATE VISIT TO URUGUAY LATER THIS WEEK. NEW DECREE HAS NO SUBSTANTIVE IMPLICATIONS, MERELY SQUARES DECREE LAW 527 OF 26 JUNE 1974 WITH DL 806 OF 21 DECEMBER 1974. END SUMMARY

2. DL 1429 PROVIDES THAT WHEN PRESIDENT ILL, OUTSIDE OF COUNTRY OR OTHERWISE TEMPORARILY UNABLE TO CARRY OUT FUNCTIONS NEXT SENIOR MEMBER OF JUNTA WILL ACT IN HIS STEAD WITH TITLE OF VICE PRESIDENT OF REPUBLIC. VICE PRESIDENT WILL ALSO SERVE AS PRESIDENT OF JUNTA.

3. DECREE SUBSTITUTES FOREGOING FOR ARTICLE 16 OF DL 527, WHICH SET EXECUTIVE, LEGISLATIVE AND CONSTITUTIVE AUTHORITY FOR JUNTA AND ESTABLISHED PRECEDENCE OF JUNTA'S COMPOSITION. DL 806 GAVE TITLE PRESIDENT OF THE REPUBLIC TO PRESIDENT OF JUNTA (SEE REF).. THUS NEW DECREE ONLY RATIONALIZES ARTICLE UNCLASSIFIED

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PAGE 02 SANTIA 03593 202216Z

16 WITH CONCEPT THAT PRESIDENT OF REPUBLIC IS TITLE USED BY

HEAD OF JUNTA WHEN EXERCISING EXECUTIVE AUTHORITY.

4. DL 527 SET PRECEDENCE AMONG JUNTA MEMBERS BY SERVICE BRANCH, WITH NAVY FOLLOWING ARMY. THUS ADMIRAL MERINO WILL CARRY TITLE OF VICE PRESIDENT DURING TEMPORARY ABSENCE OF PRESIDENT.

5. DECREE DOES NOT CHANGE MECHANISM OR PROCEDURE FOR REPLACING JUNTA MEMBERS. IT APPEARS THAT MERINO WILL LOSE HIS VICE PRESIDENT TITLE UPON PINOCHET'S RESUMPTION OF DUTIES.

6. COMMENT: WE RECOGNIZE THAT THESE LEGAL NICETIES MEAN LITTLE IN PRACTICE. BUT OTHER COMMENTATORS SOMETIMES MISCONSTRUE THEM (AS LOCAL PRESS MAY DO IN THIS CASE) AND GIVE FOREIGN OBSERVERS ERRONEOUS IMPRESSION.
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